

Appl. No. 09/929,147
Amdt. dated October 7, 2004
Reply to Office action of July 8, 2004

REMARKS/ARGUMENTS

Applicant received the Office action dated July 8, 2004, in which the Examiner rejected claims 1-8, 10-13, 15-17, 19, 20, 22-24, 26, 27, 29-31, 33, 34, 36-38, 40, 41, 43-45, 47, 48, 50-52, 54, 55, and 57, but concluded claims 9, 14, 21, 28, 35, 42, 49, and 56 would be allowed if rewritten in independent form. In this Response, Applicant amends claims 1, 10, 15, 17, 22, 24, 29, 31, 36, 38, 43, 45, 50, and 52. Based on the amendments and arguments contained herein, Applicant respectfully requests reconsideration and allowance of all pending claims.

Regarding claim 1, the Examiner rejected claim 1 as obvious over Macon in view of Burrows.¹ The Examiner correctly concluded that Macon does not teach or suggest the claimed "counter," and, instead, turned to Burrows for that teaching. Burrows is directed to a technique for parsing web pages to facilitating searching the content of the web pages. Each word in a web page is parsed and indexed by its location within the page. See e.g., Abstract. The Examiner seems to argue that the size 253 field in Figure 4 somehow reads on the claimed counter. Size field 253, however, is described as providing the size (measure in units of bytes) of the web page. See col. 8, lines 47-50. The size field 253 is not described as being a counter. Further, Applicant does not believe Burrows has any mention whatsoever of any kind of counter. The Examiner attempts to support his position by referring to text in column 8 and Figure 6 of Burrows. None of these passages, nor anywhere else in Burrows, teaches or even suggests the claimed counter.

Although not believed to be necessary for patentability and merely to expedite prosecution, Applicant amends claim 1 to specify that a bit in the second data structure that is set indicates "that one or more clusters of objects associated with said bit are free for storage of data." None of the art of record has any teaching whatsoever of a counter that counts the number of set bits defined in

¹ The Examiner applied this same ground of rejection to Independent claims 15, 22, 29, 36, and 50 whose patentability is discussed in this Response.

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this manner. At least for these reasons, claim 1 and all claims that depend from claim 1 are allowable over the art of record.

Claim 10 stands rejected as obvious over Macon in view of Lawrence and Burrows. Applicant amends claim 10 to require that a bit in the directory bitmap is set "to indicate whether a cluster associated with said bit is free." Claim 10 also requires a "usage counter" that is "indicative of a number of sets of adjacent bits that are set in words of the directory bit map." Again, the Examiner turns to Burrows for allegedly teaching that the size field 253 is akin to the claim "counter." As explained above, size field 253 is not described as being a counter. Applicant amends claim 10 to further restrict the type of bits that the use of counter is counting. Neither Burrows nor any of the other art of record, including Macon and Lawrence, teaches or even suggests a counter that counts bits are set in a directory bit map wherein a set bit indicates whether a cluster associated with the bit is free. At least for these reasons claim 10 and all claims that depend from claim 10 are patentable over the art of record.

Applicant amends claim 15 in two respects. First, Applicant amends the second act recited in the claim to read "tracking states of clusters of objects in a second data structure." This amendment was not made for reasons of patentability and instead was simply made to make the claim more readable. Second, Applicant amends the fourth act recited in claim 15 to specify that "each bit in the second data structure being set to indicate whether a cluster of objects associated with said bit is free." Again, the Examiner turns to Burrows for recitation of such a counter. As explained above, Burrows does not teach such a counter and in particular, Burrows does not teach a counter that counts bits that indicate whether a cluster of objects is free. At least for these reasons claim 15 and all claims that depend from claim 15 are allowable over the art of record. Applicant also amends the language in claim 17 to be consistent with the amendment to claim 15.

Applicant amends claim 22 in two respects. The first amendment is similar to that of claim 15 regarding the second "tracking a state" limitation. Second, Applicant amends claim 22 regarding the usage counter and the types of bits that

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are counted by the usage counter. As explained above, none of the art of record teaches or suggests the counter as recited in claim 22, and in particular a counter that counts bits that when set indicate associated objects that are free for storing data. Applicant amends claim 24 to be consistent with the amendments to claim 22.

Applicant amends claim 29 for reasons similar to that specified above with regard to claim 22. The second "tracking a state" limitation has been amended to make that limitation more readable. A corresponding amendment was also made to dependent claim 31. Further, Applicant amends claim 29 to restrict the bits that are counted by the usage counter to be bits that, when set, indicate "that an associated cluster of objects is free for storing data." As explained above, none of the art of record teaches or suggests this limitation. For at least this reason claim 29 and all claims that depend from claim 29 are allowable over the art of record.

Applicant also amends claim 36 in a manner similar to that described above. The second "tracking a state" limitation has been amended to make the claim more readable. A corresponding amendment has been made to dependent claim 38. Applicant also amends claim 36 to specify that the bits that are counted by the usage counter indicate "which clusters of objects are free for storing data." None of the art of record teaches or suggests the counter as recited in claim 36. Accordingly, claim 36 and all claims that depend from claim 36 are allowable over the art of record.

Applicant amends claim 43 to make the "tracking a state" limitation more readable as explained above. Applicant also amends the "counter" limitation to require "consulting at least one usage counter that indicates how many adjacent clusters are available for storing data." As explained above none of the art of record teaches or suggests such a counter. For at least these reasons, claim 43 and all claims that depend from claim 43 are allowable over the art of record. Applicant also amends claim 45 to maintain consistency with the amendments to claim 43.

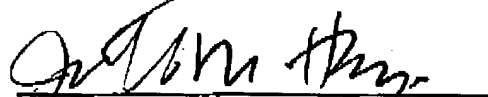
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Applicant amends claim 50 in a manner similar to that described above. First, the second "tracking a state" limitation has been amended for readability reasons. Second, the bits that are counted by the usage counter are bits that, when set, indicate "which clusters are free for storing data." None of the art of record teaches or suggests this limitation. At least for this reason, claim 50 and all claims that depend from claim 50 are allowable over the art of record. Applicant also amends claim 52 to maintain consistency with the amendment to claim 50.

In the course of the foregoing discussions, Applicant may have at times referred to claim limitations in shorthand fashion, or may have focused on a particular claim element. This discussion should not be interpreted to mean that the other limitations can be ignored or dismissed. The claims must be viewed as a whole, and each limitation of the claims must be considered when determining the patentability of the claims. Moreover, it should be understood that there may be other distinctions between the claims and the cited art which have yet to be raised, but which may be raised in the future.

Applicant respectfully requests reconsideration and that a timely Notice of Allowance be issued in this case. It is believed that no extensions of time or fees are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required (including fees for net addition of claims) are hereby authorized to be charged to Hewlett-Packard Development Company's Deposit Account No. 08-2025.

Respectfully submitted,



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